

Appeal Decision

Site visit made on 3 July 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2017

Appeal Ref: APP/L1765/D/17/3173924

25 Sussex Street, Winchester SO23 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs A Baker against the decision of Winchester City Council.
 - The application, Ref. 16/03023/HOU, dated 9 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is a part single storey part two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions as regards light for the occupiers of the adjoining dwelling to the north, No. 27 Sussex Street.

Reasons

3. The appeal property is a two storey terraced house in the centre of Winchester. The Council's concern is that the overall scale, bulk and height of the proposed extension would cause an unacceptable level of harm because of overshadowing and loss of light to No. 27. The occupier of that dwelling has also objected for reasons including loss of light both to the kitchen in the ground floor extension and to the living / dining room in the original dwelling.
 4. During the course of the application's consideration by the Council, the proposal was amended to move the proposed first floor bedroom to a position central to the ground floor kitchen extension and therefore further away from the boundary with No. 27. I have reached my Decision on the appeal with regard to these amended plans, which I acknowledge are an improvement.
 5. The term 'light' in the main issue embraces both a shadowing effect on No. 27 and the amount of daylight in the habitable rooms of that property as a result of the appeal scheme. The application was originally supported by 'sunpath diagrams' showing the shadowing effect on No. 27 at different times of the year compared with the effect of a fallback scheme in the form of a two storey mono pitched extension constructed under permitted development. A Daylight Analysis Study using Building Research Establishment (BRE) Guidelines of the effect of the proposal has supplemented these diagrams, albeit the Study was prepared for this appeal after the refusal of permission and is therefore not the subject of Council comments.
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6. In respect of the sunpath diagrams it is argued for the appellant that after 2pm until sunset there would be a minimal difference in the level of overshadowing between the appeal proposal and a scheme implemented under permitted development. However, this still leaves at least some of the period before 2pm when the appeal proposal would have a greater effect. In addition and more importantly, it also confirms that the proposed extension would have a significant shadowing effect on No. 27 for the whole of the afternoons in the period between 21 March and 21 September.
7. As regards the Daylight Analysis Study, this also confirms that windows 3 and 4 in No. 27 (the windows to the living/ dining room and kitchen respectively) would fail the daylight test having regard to the residual vertical sky component following the implementation of the two storey extension. In the case of the kitchen window the daylight level would fall considerably short of the BRE guidelines.
8. I acknowledge that the Study proceeds to argue that the front window of the living room and the rooflight in the kitchen would enable the achievement of an appropriate standard by supplementing the reduction in daylight received by windows 3 and 4 respectively. However, in order to do this a number of assumptions have to be made as to the furnishings and decoration in the living room. In any event, I consider that when taken together with the shadowing effect it is reasonable to conclude that the effect on light in both rooms as perceived by the occupiers of No. 27 would not comprise satisfactory living conditions were the proposed development to be carried out.
9. The grounds of appeal also refer firstly to the appellant's fall back position in terms of permitted development and secondly to other developments, including a nearby extension and an appeal decision elsewhere. As regards the fall back, scheme I am not persuaded that given its somewhat contrived design and inferior first floor accommodation there is necessarily a realistic likelihood of its implementation. However, even if I am wrong on this point, I consider that the harm caused on the main issue by the appeal proposal would not justify a decision in which a possible fall back scenario is the determining factor. In respect of the other developments, it is the particular details of the proposal in this appeal that are the important factors in arriving at my conclusions.
10. On balance, and taking the appellant's need for improved accommodation fully into account, I conclude that the proposed two storey extension, as amended, would have an unacceptable effect on the living conditions in terms of overshadowing and loss of light for the occupiers of No. 27 Sussex Street. This would be in harmful conflict with Policy DP.3 (vii) of the Winchester District Local Plan Review 2006; paragraph 4.53 of the Council's High Quality Places Supplementary Planning Document 2015 and the core planning principles of the National Planning Policy Framework 2012. Policy DM16 of the Winchester District Local Plan Part 2 is also referred to in the Notice of Refusal but in my opinion it is not directly relevant to the main issue in this appeal.
11. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR